

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **People of MI v Valiant White**  
Docket No. **267843**  
L.C. No. **91-004044**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),  
orders:

The motion to waive fees is GRANTED for this case only.

The delayed application for leave to appeal is DISMISSED for lack of jurisdiction because defendant cannot appeal the denial or rejection of a successive motion for relief from judgment. See MCR 6.502(G)(1). Regardless of the title placed on the latest motion filed, the motion was a motion for relief from judgment. See MCR 6.501. Most of the case law cited and argument made by defendant were in existence prior to the filing of the first motion for relief from judgment, thus it cannot constitute a retroactive change in the law that occurred after the decision on the first motion for relief from judgment. Furthermore, the 2003 legislative changes in the statute are not retroactive to the sentence imposed. See, for example, *People v Doby*, 474 Mich 955 (2005).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 08 2006

Date

*Sandra Schultz Mengel*  
Chief Clerk